

**REMARKS**

Claims 62, 64-67, 76-78, and 84 are pending in this application. Applicants propose to cancel claims 40-47, 49-51, 68-73 and 83 without prejudice to, or disclaimer of, the subject matter recited in those claims. Applicants reserve the right to file one or more continuing applications directed to the subject matter in the canceled claims. Reconsideration of the application in view of the above amendments and the following remarks is respectfully requested.

Applicants appreciate the courtesies shown to Applicants' representative during the August 31 interview. During the interview, the §103 rejections over Zuidema and Lei were discussed.

In the Final Office Action, the Examiner (1) rejected claims 40-44, 46-48, 50, 51, 68-73 and 83 under 35 U.S.C. §103(a) over U.S. Patent Application Publication No. 2006/0031297 to Zuidema in view of U.S. Patent Application Publication No. 2005/0075093 to Lei et al. (hereinafter "Lei"); (2) rejected claim 45 under 35 U.S.C. §103(a) over Zuidema and Lei, and further in view of U.S. Patent Application Publication No. 2004/0111476 to Trossen et al. (hereinafter "Trossen"); and (3) rejected claim 49 under 35 U.S.C. §103(a) over Zuidema and Lei and further in view of U.S. Patent Application Publication No. 2004/0198279 to Antilla et al. (hereinafter "Antilla").<sup>1</sup> Applicants respectfully traverse these rejections, in light of the foregoing proposed amendments and the following remarks.

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<sup>1</sup> The Final Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is addressed in this Amendment, Applicants decline to automatically subscribe to any statement or characterization in the Final Office Action.

**Independent claims 40, 68 and 83**

Without conceding the propriety of the rejections, but to expedite the prosecution and allowance of this application, Applicants propose to cancel claims 40-47, 49-51, 68-73 and 83, thus mooting the rejections of those claims. Accordingly, withdrawal of the rejections is respectfully requested.

**Independent claims 62, 76 and 84**

In the Office Action, the Examiner rejected claims 62, 64-67, 76-78 and 84 under 35 U.S.C. §103(a) over Zuidema and Lei and further in view of Antilla. Applicants respectfully traverse this rejection.

Independent claim 62 recites, as part of the method for employing a personalized MMS message to create and display an electronic content guide (ECG), "employing at least some of the personalized parameters by the communication appliance to create a personalized structure of the ECG." Although of different scope than claim 62, independent claims 76 and 84 recite, in part, similar features as the above-quoted features of independent claim 62.

Zuidema and Lei do not disclose the above-quoted features of independent claim 62, and the Examiner acknowledges this fact on pages 7 and 8 of the Office Action. Instead, the Examiner relies on Antilla to overcome the deficiencies of Zuidema and Lei. However, as explained below, Antilla fails to overcome the deficiencies of Zuidema and Lei.

The Examiner cites only to Fig. 2 of Antilla in support of the assertion that Antilla discloses employing at least some of the personalized parameters by the

communication appliance to create a personalized structure of the ECG and displaying the personalized ECG by the communication appliance. While Fig. 2 of Antilla may illustrate an ECG being displayed on a device, the figure does not disclose employing at least some of the personalized parameters by the communication appliance to create a personalized structure of the ECG. In fact, this teaching is not found in any of the disclosure of Antilla.

Antilla discloses that radio bookmarks 34 may be stored in memory 22 and may also be programmed and selected by the user (see paragraph [0037]). However, being programmable and selectable by the user does not correspond to creating a personalized structure of an ECG using personalized parameters received in an MMS message.

Antilla also discloses that a user can send an SMS or MMS to the selected radio station requesting information about the current programming being broadcast. The radio station may send a return SMS or MMS containing the information, and the information may be displayed to the user (see paragraph [0042]). However, there is nothing personalized about the SMS or MMS received from the radio station. It is only an SMS or MMS containing information about the radio broadcast, the same as would be sent to any requesting user. Also, the ECG has already been created when the SMS or MMS message is received from the radio station, and no additional, personalized ECG is created based on the received information.

Thus, Antilla does not disclose "employing a personalized MMS message to create and display an electronic content guide (ECG)," or "employing at least some of

the personalized parameters by the communication appliance to create a personalized structure of the ECG," as recited in independent claim 62, and similarly recited in independent claims 76 and 84. Independent claims 62, 76 and 84, as well as claims 64-67, 77 and 78 which depend therefrom, are patentable over the combination of Zuidema, Lei and Antilla. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 62, 64-67, 76-78 and 84.

### **Conclusion**

Applicants respectfully request that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 62, 64-67, 76-78, and 84 in condition for allowance. Applicants submit that the proposed amendments do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since the amendments only cancel claims. Therefore, this Amendment should allow for immediate action by the Examiner.

Furthermore, Applicants submit that the entry of this Amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of the foregoing remarks, Applicants submit that claims 62, 64-67, 76-78, and 84 are neither anticipated nor rendered obvious in view of the prior art references applied against this application. Applicants therefore request the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

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